



Montana Environmental Trust Group, LLC  
Trustee of the Montana Environmental Custodial Trust  
PO Box 1230, East Helena, Montana 59635  
Telephone: (406) 227-1242

March 7, 2013

Betsy Burns  
RCRA Project Officer  
EPA Region VIII  
Montana Office  
10 West 15th St., Suite 3200  
Helena, MT 59626

RE: Consent Decree Civil Action No. CV 98-3-H-CCL East Helena Site Work Performed During August 2012

Dear Ms. Burns:

The Montana Environmental Trust Group, LLC, Trustee of the Montana Environmental Custodial Trust (the Custodial Trust), hereby submits the attached monthly progress report for the month of August 2012 to the US Environmental Protection Agency (EPA). The enclosed report was prepared pursuant to the requirements of Section 86 and other applicable provisions of the First Modification of the Consent Decree (No. CV 98-3-H-CCL) entered on US Federal District Court (Montana) in 2012.

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**Montana Environmental Custodial Trust Monthly Progress Report for East Helena (EH) Site  
August 2012**

#	Topics & Subtasks	Date(s)	Major Activities <sup>i</sup>	Con <sup>ii</sup>
<b>I. RCRA Corrective Action</b>				
<b>A. Investigations, Studies, Analyses and Data Collection</b>				
1.	Phase II RFI	During Period	No significant Phase II RFI activities occurred during the reporting period.	NA
2.	FSAP	8/10/12	Hydrometrics sampled the water quality at a residential well at 2840 Winslow.	HY
		8/23-31/12	Hydrometrics conducted project-wide groundwater and surface water level monitoring and monthly sampling at 8 selenium plume wells.	HY
3.	Risk Assessment	During Period	No significant risk assessment activities occurred during this reporting period.	NA
4.	Upper Lake Aquifer Test	During Period	EH personnel inspected the condition and integrity of and removed debris from the UL diversion structure and smelter dam, adjusted the underflow gates on the dam to manage water levels behind the dam, cleaned the UL pump suction screen to remove debris and adjusted flow rate to keep the water level near 0.90 feet, and eventually replaced the existing UL pump with a smaller ¾ hp self-priming pump.	TS
		During Period	Hydrometrics continued their UL data analysis and started creating the technical memo summarizing the results thus far.	HY
		During Period	The CT continued daily: collection of water level data in UL, LL, and Prickly Pear Creek (PPC) (upstream and downstream of the dam); and turbidity monitoring (upstream of the dam, downstream of the dam and at locations in East Helena (near the Main Street Bridge and downstream).	TS CT
5.	GW Model	During Period	AMEC continued development and calibration of the numeric gw flow model, including: continued PEST calibration to head data; particle tracking to confirm flow directions, and manual calibration particularly to Prickly Pear synoptic stream gaging data.	AM
		During Period	AMEC created tables and began writing for the tech memo for task 5.	AM
6.	Database Management	During Period	No significant database management activities occurred during this reporting period.	NA
7.	Project Management	During Period	No significant project management activities occurred during this reporting period.	NA
<b>B. Interim Measures</b>				
1.	SPHC IMs	During Period	Continued work to finalize HEC-RAS modeling for CLOMR application submittal, continued work on existing floodplain delineation mapping and analysis report, continued working on Erosion Control Plan, Revisions to Stockpile Tech Memo and Dewatering Tech Memo, and continued working on Joint App 1, including text and figures.	CH MM
		During Period	Distributed Tech Memo of HYD mixing zone calculations for temporary effluent discharge to PPC, began work on short- and long-term composite water quality requiring treatment, short- and long-term alternatives (land app, subsurface drip, groundwater, COEH WWTP), calculations of regulatory requirements for each disposal option, and scoping of treatment technologies.	CH HY
		8/17/12	Finalized and submitted CLOMR to FEMA, review agencies, and applicant	CH MM

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		8/28/12	Responded to FEMA/Michael Baker comments on the CLOMR submittal, which were received on 8/27. Contacted FEMA to confirm that ESA document is not required prior to their review, but is only required for their final approval of CLOMR. No additional hydraulic modeling required or performed during the period.	CH MM
2.	ET Cover System IMs	8/3/12	Presented Phase 1 Demo 30% engineering to beneficiaries	CH MM
		During Period	Continued preparation of Demolition Sequencing plan, preparation of demolition QA/QC Project Plan, preparation of DIV 0 and 1 specification for Phase 1 demo, Smelter Dam Bridge Deck Engineering and Specifications, Phase 1 Demolition 60% detailed engineering document, completed Phase 1 ERM Survey and coordination of Phase 2 ERM Survey for the remaining structures at the site, and waterline detailed engineering.	CH MM HY
		8/21/12	Reviewed wetland and buffer zone considerations along proposed alignment for NW Energy 69kV transmission line relocation project with MECT. Determined there to be no apparent wetland issued associated with the alignment and discussed this with MECT.	CH MM HY
3.	Source Removal IMs	8/3/12	Conducted 30% engineering review meeting with Beneficiaries	CH
		8/7/12	Conducted CAMU site visit with Denise Kirkpatrick/MDEQ, Tim Stepp/MDEQ, and Betsy Burns/EPA	CH
		During Period	Proceeded to 60% design, developed plan for geotechnical exploration to support the CCL, developed plan for Electrical Engineering design to support the leachate collection and leak detection systems, added perimeter access road to site grading plan, began planning demolition activities associated with existing drainage system, and performed freeze-thaw analysis for CCL and protective soil cover analysis.	CH
4.	IM Work Plans	During Period	Continued preparation of the internal draft IMWP 2013 and worked with EPA on comment responses related to IMWP 2012.	CH
5.	RCRA Team Support	During Period	Continued work on various CSMs, including, Acid Plant Area, West Selenium/LOSA, East Tertiary Bench, and Tito Park. Began planning for preparation of interim measures implementation ROM cost estimate and incorporating this information into a 5YP.	CH
6.	General (Programmatic) IMs	During Period	Continued Master Specification Development, coordinated preparation of an IM HASP, and continued preparation of Quality Management Plan.	CH
		8/31/12	Completed and submitted Quality Assurance Project Plan for internal Sr. review	CH
7.	Project Management	During Period	Issued weekly reports, project schedules, financial reports.	CH
8.	Permitting	During Period	No significant permitting activities occurred during the reporting period.	NA
C.	CMS			
	CMS Work Plan	During Period	No significant activities related to the CMS work plan occurred during this reporting period.	NA
<b>II. Communications</b>				
A.	Beneficiary Communications	8/24/12	Grass fire adjacent to Managers House. House was completely destroyed by fire.	CT

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B.	Stakeholder Communications	8/24/12	Grass fire adjacent to Managers House. House was completely destroyed by fire.	CT
<b>III. Site Management &amp; Operations</b>				
A.	Site-Wide Health & Safety/Regulatory Compliance	8/2/12	EH personnel pumped leachate in CAMU #2.	TS
		8/3/12	The CT submitted the monthly discharge report, EH HDS DMR and Cover letter, to MDEQ.	CT
		During Period	EH personnel completed weekly and monthly inspections of health and safety systems, CAMU #1 and #2 liners, temporary liners, natural gas hoses and hazardous waste roll-offs, measured leachate levels in CAMU #2, installed confined space signs in the HDS plant and restricted access signs on the plant perimeter fence, began cleaning out the Bath House entry storage room in preparation to have an area for visitor PPE, contacted Mountain States Environmental about requirements for disposing of road sweepings collected from sweeping corridors on site, and continued work on finalizing and instituting an updated HASP for upcoming site activities.	TS CT HY
B.	Site Security	8/22/12	EH personnel, along with EH police, investigated a break-in attempt at the Manager's house and found a broken window and the security system control panel smashed. They installed plywood over the window and the CT contacted NICO about servicing the security system.	TS
		8/24/12	The CT received word of a grass fire near the Manager's house that eventually consumed the house itself. Local fire departments arrived at the scene to extinguish the fires in both East Fields and the Manager's house. The fire damage to the house was a total loss.	CT
C.	Plant Operations	8/2/12	EH personnel inventoried the universal waste in the Lake Shore shed and shipped the 4-foot light bulbs off site with Grainger recycling service and contacted Emerald Recycling to schedule pickup of the remaining universal waste from the Lake Shore shed.	TS
		8/4/12	R&R Heavy Haul transported the D-25 water truck to T&E Equipment in Great Falls to repair the transmission leak.	NA
		During Period	EH personnel performed maintenance on site equipment , including replacing a tire on the Manlift, and removing hydraulic pump and cylinders from the Ore Feeders, removed liquids (cleaning supplies, oil, etc) from the demolition area, mainly the Ore Storage building and truck scale, and placed them in the Lake Shore shed, checked the sump pump at the Sinter plant incline, performed maintenance in the Environmental building by lighting the pilot light on the hot water heater, resetting the automatic gate controls after a power outage, and repairing the downstairs bathroom light, PLC computers from the crushing mill and Ore Storage offices, and replaced lights in both the sodium building and in the Environmental office bathroom.	TS
D.	Stormwater Management	8/14/12	The CT met with Bob Anderson and Kraig Keltz to look at the Chemet property transfer effects on the storm water collection system.	CT
		8/17/12	CT personnel and Mark Rhodes surveyed elevations for the CAMU #2 drainage ditch and the storm water drainage with the Chemet parcel.	CT HY
E.	Documents & Records	During Period	EH personnel hauled empty filing cabinets removed from the conex shipping containers to the zinc plant powerhouse, began removing documents from the Bath house, palletizing them, and relocating them into conex containers at the new Manlove Ave site for long term storage.	CT TS
F.	Water Rights	During Period	The CT and Burnham continued discussions about long-term options for Burnham's irrigation water needs following abandonment of Wilson Ditch.	HY

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G.	Other Property Management	8/27/12	The CT met with the L&CC Historical Preservation officer Pam Attardo and Hydrometrics to develop a demolition plan for the burned manager's house and to look for any possible salvage items. The CT rented an excavator and roll-off containers for the Manager's house demolition. The CT authorized TS Consulting to perform a security and fire inspection of the Manager's house every evening.	CT HY TS
		8/30/12	The CT allowed the EH Fire Chief access to the Manager's house for fire investigation purposes.	CT
		8/31/12	The CT escorted Jon Axline around the Manager's house site in order to take photos of the demolition and fire damage.	CT
H.	Other Site Operations	8/17/12	The CT requested a cost estimate for a proposal to prepare an East Fields Repository O&M plan.	CT
		8/28/12	The CT and Hydrometrics along with the EH Fire Department toured the site in order to familiarize the EHFD with the facility in case they need access during an emergency.	CT HY
IV. Property Use/Development				
A.	Agricultural Leases	During Period	EH personnel serviced Burnham's irrigation pump by changing engine oil and the mechanical seal.	TS
B.	Community Land Uses	During Period	No significant community land use activities occurred during this reporting period.	NA
C.	Redevelopment & Property Sale	8/29/12	American Chemet removed the oxygen tank from the Trust property, which they had previously purchased.	CT
D.	Slag Re-Processing	8/10/12	Metallica Commodities advised the CT the slag will be mined from the upper dump and screened prior to crushing in an effort to locate higher metal contents.	CT
		8/24/12	Smith Contracting set up a screening plant on the upper level of the slag pile and began crushing and screening slag.	CT
		8/27/12	Metallica advised the CT that Smith Contracting would be loading a train with crushed slag during the week ending September 9.	CT
E.	City/County Land Transfers	During Period	No significant City/County land transfer activities occurred during this reporting period.	NA
V. CT Operations & Financial Affairs				
A.	Personnel & Office Operations	During Period	EH personnel installed the new METG sign at the Manlove Ave location. The new modular office structure was delivered and setup. Scheduled Capital Transfer and Storage to help move office equipment from the Environmental office to the new office building on August 31. EH personnel installed an insulation board enclosure under the office building around the sewer and water piping and also installed heat trace around the piping to keep it from freezing in the winter.	CT TS
B.	Financial Affairs	During Period	The CT continued to evaluate and review PO's for CH2MHill and SP4C continued development of CT project controls systems during the reporting period	CT CH SP
VI. Upcoming Activities				
		September	Get completely moved into new offices at Manlove Ave. location.	
		September	Remove debris from Managers House that was completely destroyed by fire.	

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<sup>1</sup> See [Attachment I](#) for a list of acronyms used in the weekly progress reports.

<sup>1</sup> “Con” refers to consultants, contractors and third-party professionals involved in the specific tasks and activities. A list of all such consultants, contractors and third-party professionals, along with the corresponding abbreviations used in the weekly progress reports, is provided in [Attachment II](#).

**Section 3. Describe and estimate the percentage of studies completed.**

No projects or studies were completed in August 2012. A complete listing of projects completed in 2012 will be reported in the January 2013 Progress Report.

**Section 4. Describe Actions being taken to address problems.**

There were no actions required to address problems associated with the Decree.

**Section 5. Identify changes in key personnel during the period.**

None during the reporting period.

**Section 6. Describe the status of financial assurance mechanisms, including whether any changes have occurred, or are expected to occur which might affect them, and the status of efforts to bring such mechanisms back into compliance with the requirements of this Decree.**

The Custodial Trust received funds for Environmental Actions earmarked for site clean-up in connection with the ASARCO bankruptcy settlement. The Custodial Trust deposited the funds in a segregated East Helena Clean-up account and is investing and managing the funds in accordance with the provisions of the Settlement Agreement. Issues related to the CAMU trust are stilling being resolved between the beneficiaries and ASARCO.



Please do not hesitate to contact me with any questions pertaining to this transmittal.

Sincerely,

A handwritten signature in blue ink, appearing to be "Jim Ford", written over the word "Sincerely,".

Montana Environmental Trust Group, LLC

Not individually but solely in its representative capacity as  
Trustee of the Montana Environmental Custodial Trust

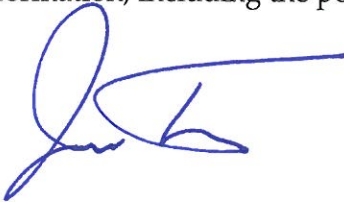
By: Greenfield Environmental Trust Group, Inc., Member

By: Jim Ford, Duly Authorized Owner Representative

cc: Denise Kirkpatrick - MDEQ  
Randy Breeden - EPA 8  
Chuck Figur - EPA 8

CERTIFICATION  
PURSUANT TO U.S. v ASARCO INCORPORATED  
(CV-98-3-H-CCL, USDC, D. Montana)

"I certify under penalty of law that this document and all attachments, were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations."

A handwritten signature in blue ink, appearing to be "Jim Ford", written in a cursive style.

Montana Environmental Trust Group, LLC  
Not individually but solely in its representative capacity as  
Trustee of the Montana Environmental Custodial Trust  
By: Greenfield Environmental Trust Group, Inc., Member  
By: Jim Ford, Duly Authorized Owner Representative